

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

ALLEN DANIEL,

Plaintiff,

v.

Case No. 2:08-CV-13817

BLAINE LAFLER, ET AL.,

Defendants.

**ORDER REJECTING PLAINTIFF'S "APPEAL OF
MAGISTRATE JUDGE DECISION" AND AFFIRMING THE
MAGISTRATE JUDGE'S "ORDER GRANTING MOTION TO EXTEND"**

Plaintiff Allen Daniel filed a *pro se* civil rights complaint pursuant to 42 U.S.C. § 1983. The court referred hearing and determination of any pretrial matters, including discovery disputes, to Magistrate Judge Paul J. Komives on January 9, 2009. (1/9/2009 Order.) On April 9, 2009, Plaintiff filed the instant "Appeal of Magistrate Judge Decision" with this court.

This court's reference to the magistrate judge vests the magistrate judge with the power to hear and determine non-dispositive motions pursuant to 28 U.S.C. § 636(b)(1)(A). Plaintiffs, however, retain a right to have the court reconsider the magistrate judge's determinations "where it has been shown that the magistrate judge's order is clearly erroneous or contrary to law." 28 U.S.C. § 636(b)(1)(A).

In his "Appeal," Plaintiff requests that this court reverse the magistrate judge's March 23, 2009 "Order Granting Motion to Extend." In the March 23, 2009 order, the magistrate judge granted Defendants an extension of time in which to file an answer to

Plaintiff's complaint while the magistrate judge considers Defendants' motion to revoke Plaintiff's *in forma pauperis* status. The court therefore construes Plaintiff's "Appeal" to be seeking reconsideration of the magistrate judge's order pursuant to 28 U.S.C. § 636(b)(1)(A). Plaintiff appears to argue that the magistrate judge should not have granted Defendants an extension of time because Plaintiff alleges that Defendants have engaged in illegal conduct. While Plaintiff makes conclusory statements regarding Defendants' conduct and appears to argue substantive issues in the case, Plaintiff does not demonstrate how the magistrate judge's order granting an extension of time to Defendants "is clearly erroneous or contrary to law." 28 U.S.C. § 636(b)(1)(A). Nor does the court find that the magistrate judge's order was "clearly erroneous or contrary to law." *Id.* The magistrate judge's order simply economizes the court's and the parties' resources by forestalling future briefing until the briefing is found to be necessary. Accordingly,

IT IS ORDERED that Plaintiff's "Appeal of Magistrate Judge Decision" [Dkt. # 54] is REJECTED.

IT IS FURTHER ORDERED that the magistrate judge's "Order Granting Motion to Extend" [Dkt. # 48] is AFFIRMED.

s/Robert H. Cleland
ROBERT H. CLELAND
UNITED STATES DISTRICT JUDGE

Dated: May 20, 2009

I hereby certify that a copy of the foregoing document was mailed to counsel of record on this date, May 20, 2009, by electronic and/or ordinary mail.

s/Lisa G. Wagner

Case Manager and Deputy Clerk
(313) 234-5522